

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMY RAE COLE,

Petitioner,

Case No. 1:12-cv-1019

v.

Honorable Paul L. Maloney

SHIRLEE HARRY,

Respondent.

_____ /

JUDGMENT

In accordance with the Opinion entered this day:

IT IS ORDERED that Petitioner's application for habeas corpus relief be **DISMISSED** without prejudice pursuant to Rule 4 of the Rules Governing § 2254 Cases for failing to file his habeas petition under 28 U.S.C. § 2254.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED** because a reasonable jurist could not conclude either that the district court erred in dismissing the petition for failure to file the habeas petition under 28 U.S.C. § 2254 or that Petitioner should be allowed to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Dated: October 26, 2012

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge